

Order Denying Motion for Preliminary Injunction; Denying Motion for Pro Se Settlement Conference  
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1 *Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008).

2 In plaintiff's motion, he states that defendants are revalidating plaintiff in retaliation for  
3 this pending lawsuit. However, plaintiff has failed to specifically identify the prison officials  
4 responsible for the current revalidation, or subsequent rules violation report. Plaintiff's exhibits,  
5 attached to his motion, do not appear to include any named defendant in this underlying action.  
6 Absent such a showing, the court may not grant plaintiff's motion. *See In re Estate of Ferdinand*  
7 *Marcos*, 94 F.3d 539, 545 (9th Cir. 1996) (recognizing that a court can only enjoin those it has  
8 personal jurisdiction over, and acknowledging that a court should not issue an injunction that it  
9 cannot enforce).

10 Further, even if plaintiff had made a clear showing that the prison officials who are  
11 revalidating him and writing rules violation reports are in active concert with defendants,  
12 plaintiff has failed to show a likelihood of success on the merits or that he is likely to suffer  
13 irreparable harm in the absence of preliminary relief. *See Winter*, 555 U.S. at 20. In order to  
14 succeed on a claim of retaliation, plaintiff must allege that: (1) a "state actor took some adverse  
15 action against an inmate (2) because of (3) that prisoner's protected conduct, and that such action  
16 (4) chilled the inmate's exercise of his First Amendment rights, and (5) the action did not  
17 reasonably advance a legitimate correctional goal." *Rhodes v. Robinson*, 408 F.3d 559, 567-68  
18 (9th Cir. 2005) (footnote omitted). At this time, a review of the evidence submitted does not  
19 show that plaintiff is likely to succeed on the merits. Based on the above, plaintiff has not  
20 sufficiently satisfied the *Winter* factors to warrant the extraordinary remedy of an injunction. In  
21 addition, plaintiff does not argue that he is likely to suffer irreparable harm without a preliminary  
22 injunction. Accordingly, plaintiff's motion for a preliminary injunction is DENIED without  
23 prejudice.

24 At this time, plaintiff's motion to send this case to a pro se settlement conference is also  
25 DENIED without prejudice.

26 IT IS SO ORDERED.

27 DATED: 5/12/14

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LUCY H. KOH  
United States District Judge